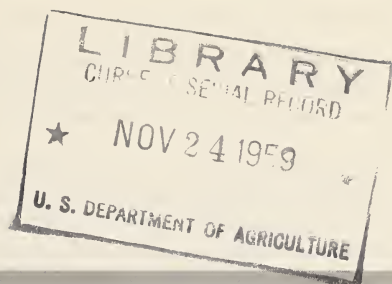


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QUESTIONS and ANSWERS

ON THE

EXPORT APPLE and PEAR ACT

U.S. DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

AMS 347

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The Export Apple and Pear Act was enacted by Congress in 1933 to promote foreign trade in these fruits. It contains broad authority for establishing minimum grade and other requirements designed to improve the demand for U. S. apples and pears in export markets.

The Department has worked closely with the apple and pear industries in formulating such rules. It is not considered practical in the issuance of rules to go beyond what the industries are willing to support. However, authority does exist for the establishment of requirements to improve further the quality and condition of these fruits in export. This question and answer series has been prepared to outline to interested persons the objectives of the Act and what is being done under it.

1. What is the Export Apple and Pear Act?

An Act passed by Congress June 10, 1933, with these objectives:

To promote the foreign trade of the U. S. in apples and pears.

To protect the reputation of American-grown apples and pears in foreign markets.

To prevent deception or misrepresentation as to the quality of such products.

To provide for inspection of apples and pears moving to foreign markets.

2. To whom does the Act apply?

It applies to any person who ships, offers for shipment, transports or receives for transportation, packages of apples or pears to a foreign destination.

3. What must a shipper do to comply with the Act?

If you export apples or pears, you must have each shipment inspected and certified by the Federal or Federal-State Inspection Service. The Export Form Certificate or Memorandum of Inspection issued by the inspector must accompany the shipment when it is delivered to the carrier. You must also comply with the container marking requirements before the certificate or memorandum will be issued.

4. What must a carrier do to comply with the Act?

Under the Act, a carrier may not legally transport, or receive for transportation, shipments of apples or pears to a foreign destination unless such apples or pears are accompanied by an Export Form Certificate or Memorandum of Inspection. The export carrier transporting the apples or pears out of the country must keep a copy of the certificate or memorandum on file for a period of three years following the date of export.

5. What is a shipment of apples or pears?

A "shipment" is defined as "one or more lots of apples or pears shipped or offered for shipment by any one person in a single conveyance to a foreign country, regardless of the number of consignees, receivers, or ports of destination in that country." Hence, any quantity of apples or pears exceeding the exemption specified is subject to the Act and the regulations.

6. Who administers the Act?

The Fruit Branch, Fruit and Vegetable Division, Agricultural Marketing Service, has been delegated responsibility for administering the Act.

7. How?

By issuing and enforcing regulations, prescribing the minimum grades of apples and pears in packages which may be exported, and such other requirements as may be necessary to carry out the purposes of the Act.

8. How are grade and other requirements established under the Act?

Industry groups and trade associations submit suggestions to the Department of Agriculture. Suggestions are then published for views. After modifications as a result of comments received, requirements are issued by the Department and published in the Federal Register. This procedure was followed with the requirements which became effective on October 1, 1959.

9. What are the current minimum grade requirements?

For apples: U. S. No. 1 Cooker, U. S. No. 1 Early, or U. S. No. 1, Processing.

For pears: U. S. No. 2 Fresh, or U. S. No. 1, for Canning.

Apples and pears shipped to Pacific ports west of the International Date Line need not comply with the maturity standards of the grade.

10. Are condition requirements in effect?

Only if inspection is performed at time of packing. Condition factors such as overripeness and decay which develop in storage and transit are not included in the export requirements.

11. What container markings are required?

Each package must be plainly and conspicuously marked with the name and address of the grower or packer, variety, grade, and numerical count or minimum size. The containers of processing fruit must be marked with the word "Cannery" in letters not less than two inches high. Packages of immature fruit shipped to Pacific ports west of the International Date Line must be marked with the words "IMMATURE FRUIT" in letters not less than two inches high.

12. Are there any exemptions?

Yes. A shipment of 25 boxes of apples or pears to any country, or 400 boxes of pears to Venezuela or Cuba. The 400-box exemption is applicable only to pears to Cuba or Venezuela. The 25-box exemption applies separately to apples and pears. This means that a quantity not exceeding 25 boxes each of apples and pears may be shipped by one person on the same carrier to any one country. Also, a person may ship several exempt lots of apples and/or pears at the same time on the same carrier to foreign destinations providing the exemptions specified are not exceeded to any one country.

13. For what period of time is an Export Form Certificate valid?

There is no time limitation on Export Form Certificates. Hence, such a certificate could be issued at the time apples or pears are packed and placed in storage several weeks or months prior to exportation and would still be valid at the end of the storage period. If this practice is followed, under certain environmental conditions, apples or pears could be overripe or decayed when taken from storage for export. Such fruit, however, could be exported under the original export certificate. Furthermore, since decay and over-ripeness after storage or transit are condition factors which are not part of the grade requirements issued under the Act, an Export Form Certificate may be obtained on fruit so affected at time of shipment. Many exporters and foreign importers specify in their contracts the condition requirements of the fruit they are contracting for and require that the fruit meet such requirements at time of shipment. This is a good practice.

14. Do apples and pears imported into the United States and later reshipped in export-have to comply with Export Apple and Pear Act requirements?

Yes, if the apples and pears are unloaded in the U. S. and left free either to be sold on the domestic market or reshipped for export, then they must be inspected and comply with all requirements of the Act if they are reshipped in export. However, apples and pears grown outside the U. S. but moving through U. S. ports on through bills of lading to foreign destinations are not required to comply with Act requirements.

15. What penalties are provided for violators?

Persons shipping, or offering for shipment, apples or pears in violation of requirements may after opportunity for hearing be refused issuance of certificates for periods not exceeding 90 days. Any person, including carriers, who knowingly violates any of the provisions of the Act shall, upon conviction, be subject to a fine of not less than \$100 nor more than \$10,000.

